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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,589	01/27/2004	Chois A. Blackwell JR.	HE0215	1738
21495	7590	06/09/2006	EXAMINER	
CORNING CABLE SYSTEMS LLC			LEPISTO, RYAN A	
P O BOX 489				
HICKORY, NC 28603			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,589

Applicant(s)

BLACKWELL ET AL.

Examiner

Ryan Lepisto

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4, 5, 7-9, 11, 14, 16, 18, 20, 21 and 23 is/are rejected.
7) ☒ Claim(s) 2, 3, 6, 10, 12, 13, 15, 17, 19 and 22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Strause et al (US 6,06,492)** (Strause) and **Fingler et al (US 5,892,870)** (Fingler).

Strause teaches an optical communications network (Figs. 1-2) including a distribution cable (24) having a plurality of optical cables (40) with a mid-span access location (Fig. 2) and stub cables (20) that have one end at the mid-span location and other at fan-out blocks (39) which act as patch panels (column 3 lines 19-67, column 4 lines 1-8).

Strause does not teach expressly the details of the fan-out blocks/patch panels.

Fingler teaches a patch panel (Figs. 3-5) comprising a stub cable (360) with one end generally stated as coming from a server (105) or other optical equipment (column 3 lines 23-28), a base and cover (the face shown in Fig. 4 can be taken as either the base or cover), a stub cable port (300), optical fibers (400) extending inside a cavity formed by the base and cover and terminated with connector adaptors (340) and connector ports (320) formed in the angled surfaces of an exterior wall of the base or cover to couple to drop fibers (440) that extend away from the stub cable (360).

Fingler does not teach a generally domed shape terminal.

Strause and Fingler are analogous art because they are from the same field of endeavor, optical communications.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the patch panel taught by Fingler in place of the fan-out blocks taught by Strause since Fingler teaches that the patch panel can be used for connection to a server and other equipment (column 3 lines 60-61).

At the time the invention was made, it would obvious to a person of ordinary skill in the art to use any shaped terminal, applicant has not disclosed that a dome shaped terminal provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with terminal taught by Fingler because it functions as a terminal independent of the shape.

The motivation for doing so would have been reduce cost and field maintenance errors by using a terminal that eliminates the need for making connections in the field other than by way of patch cords (Fingler, column 3 lines 62-64).

Allowable Subject Matter

2. **Claims 2-3, 6, 10, 12-13, 15, 17, 19 and 22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the latter, either alone or in combination, does not disclose nor render obvious a fiber routing and slack storage hub within the interior cavity of the base and cover or a drop cable connected to a connector port extending away from the stub cable in the same direction to provide a butt configuration terminal or a second stub cable port on an opposite end wall than the first stub cable port, in combination with the rest of the claimed limitations.

Response to Arguments

3. Applicant's arguments with respect to rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-Th 7:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2883

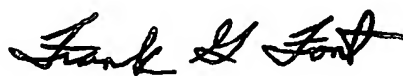
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Ryan Lepisto

Art Unit 2883

Date: 5/31/06



Frank Font

Supervisory Patent Examiner

Technology Center 2800